

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Manasseh, et al.
Serial No.: 10/506,368
For: SYSTEM AND METHOD FOR TRAVELER INTERACTIONS
MANAGEMENT
Filed: January 21, 2005
Examiner: Kent Wang
Art Unit: 2622
Confirmation No.: 1079
Customer No.: 27,623

Attorney Docket No.: 0004800USU/4269

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants are submitting the present document concurrently with a notice of appeal for the above-noted application. Applicants are requesting that the Office review the final rejection of the claims as set forth in a final Office Action dated August 12, 2010 (hereinafter “the Office Action”). No amendments are being filed with this request.

Status of the Claims

Claims 1-19, 23-32, 34-38, 40, 42-46 and 50-54 are rejected under 35 U.S.C. §103 (a) as being unpatentable over U.S. Pat. App. Pub. No. US2003/0210139 by Brooks et al. (hereinafter “Brooks”) in view of U.S. Pat. App. Pub. No. US2003/0040925 by Gutta et al. (hereinafter

"Gutta"). Claims 20-22, 33, 41 and 47 are rejected under 35 U.S.C. §103(a) as being unpatentable over Brooks in view of Gutta, and further in view of US Patent No. 6,757,408 issued to Houvener (hereinafter "Houvener"). Claims 48-49 are rejected under 35 U.S.C. §103(a) as being unpatentable over Brooks in view of Gutta, and further in view of US6,724,887 to Elibacher (hereinafter "Elibacher"). Claims 55-56 and 58-59 are rejected under 35 U.S.C. §103(a) as being unpatentable over Brooks in view of Gutta, and further in view of U.S. Pat. App. Pub. No. 2003/0058084 by O'Hara (hereinafter "O'Hara"). Claims 57 and 60 are rejected under 35 U.S.C. §103(a) as being unpatentable over Brooks in view of Gutta, and further in view of US Patent No. 7,084,736 to Ritter (hereinafter "Ritter").

1. Clear Error for Review: Brooks does not teach capturing substantially the full audio, video, and data of an at least one first agent-traveler interaction.

Claims 1, 23 and 43 recites capturing substantially the full audio, video and data of two agent-traveler interactions. In Section 3 of the Office Action the Examiner states that Brooks at par. 0042 teaches capturing the fingerprint, voice, facial and retinal interactions, and thus teaches capturing the full interaction. However, claims 1, 23 and 43 require capturing agent-traveler interactions. No agent presence is disclosed in association with the identification station discussed in par. 0042, therefore no capturing of information related to an agent, and particularly not capturing the agent side of the interaction can be disclosed. Even further, par. 0042 indicates that the information is gathered in a relatively short period of time. Capturing the full interaction cannot be done in a time period shorter than the duration of the interaction itself. Therefore it is clear that par. 0042 does not disclose capturing substantially the full audio, video and data of agent-traveler interactions, but rather information required for identification purposes.

Brooks relates only to attributes of areas, personnel identification data, intrusion detection means, and the mere technical identification of the passenger. Brooks teaches identifying security breaches based on such discrete attributes and identifications, and does not teach capturing or using the full traveler-agent interactions, including audio, video and data. Brooks relates to capturing discrete security aspects within stations in an area such as an airport, and not to

capturing agent-traveler interactions, particularly not the full interaction and all aspects thereof, including audio, video and data, which represent all the activity that took place throughout the interaction.

Brooks at par. 0045 teaches using security camera supervision, however, such capturing is not interaction-wise. Rather, Brooks mentions either capturing in emergency situations, wherein the alarm-raising situation has already started which means that: The whole interaction is not captured and further, interactions for which no emergency has been detected are not captured at all. Alternatively, Brooks mentions 24-hour capturing, in which a particular interaction is indistinguishable as such from the whole continuous recording and thus cannot be compared to other interactions. As for audio recording, CCTV cameras intended for security in an area such as an airport, operate in a noisy environment and will thus not capture the voice of an interaction with usable quality. No other voice capturing means is taught by Brooks. Par. 0048 of Brooks relates to capturing specific identification information, par. 0050 relates to intrusion detection, and par. 0020 lists some stations, some of which are manned while others are not.

2. Clear Error for Review: Gutta does not disclose an analysis device for comparing the audio, video, and data of the interactions.

Gutta relates to monitoring retail locations using vision-based technologies. The only event found by Gutta by means of comparison is when a patron wears different clothing when entering and when exiting a fitting room. None of these two events relates to interactions, and indeed none is disclosed. Rather, most people prefer some privacy around the fitting rooms rather than interactions. No comparison of two-way interactions is taught by Gutta, rather descriptors of a customer entering and leaving a changing area are compared.

Even further, the disclosed comparison relates to single images rather than to audio, video and data. This is also indicated in the Office Action in the discussion related to claim 3: "...based on the comparing of the at least one second captured image with the at least one first captured image". No comparison of audio and data, or of video beyond a single image is disclosed. In those parts in which Gutta related to interactions, such as when the customer is trying to return items without a receipt, no teaching of comparison of any two interactions is disclosed.

3. Clear Error for Review: Houvener does not disclose a screen capture device.

Claims 46 and 54 require a screen capture device. In section 5 of the Office Action, the Examiner asserts that a screen station can be interpreted as a screening capture device. However, claims 46 and 54 require a screen capture device.

Examiner used dictionary.com on the rejection of claim 53. Applicants likewise draw from this source to highlight distinguishable features of claims 46 and 54.

The first nine relevant meanings for the word “screen”, suggested by dictionary.com, relate to a display device that can reasonably be captured. The tenth meaning relates to “a system for screening or grouping people”, but when applied in this context, a device for capturing the system is confusing and inappropriate.

Further, the relevant meanings suggested by dictionary.com for the word “screening” relate to a gerund, i.e. “screening” represents an action. The only reasonable devices for capturing an action include video or audio capture devices, while claims 46 and 54 require that it is the data capture device being a screen capture device.

Even further, dictionary.com suggests a meaning to the phrase “screen capture”, but suggests no meanings for “screening capture”.

In view of the above it is clear that it is inappropriate to interpret a “screen capture device” as a “screening capture device”. Therefore Houvener does not teach wherein the data capture device is a screen capture device.

4. Clear Error for Review: O'Hara does not disclose a rule for assessing a change in an item associated with said traveler.

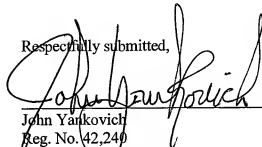
Claims 55 and 58 require that the rule assesses a change in an item associated with said traveler. O'Hara compares the *biometric* characteristics of the person who purchased the passage and the person boarding the vehicle are the same. O'Hara does not teach assessing disparity between an item carried by said traveler, and said traveler's destination. O'Hara teaches asking the customer about his destination, but not assessing disparity between said destination and the traveler's carried items, based on comparing two interactions.

In view of the above, it is respectfully submitted that the final rejection is clearly erroneous and, as such, the present application is in condition for allowance.

Reconsideration and withdrawal of the rejection to the claims and passage of the present application to issuance are respectfully requested. Such action is solicited.

10 Nov 2010
Date

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Yankovich", is written over a horizontal line.

John Yankovich
~~Reg. No. 42,240~~
Attorney for the Applicants
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
Tel: 203-327-4500
Fax: 203-327-6401